

SENATE BILL NO. 416

INTRODUCED BY R. LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA AFFORDABLE HOUSING ACT; DEFINING ACCESSORY DWELLING UNITS; SPECIFYING DUTIES OF THE DEPARTMENT WITH REGARD TO ACCESSORY DWELLING UNITS; PROVIDING FOR LOCAL GOVERNMENT DEVELOPMENT OF ACCESSORY DWELLING UNITS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Affordable Housing Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Accessory dwelling unit" means a separate dwelling unit within a detached house or a separate dwelling unit that occupies all or part of an accessory building that shares a lot with a detached house. The floor area of an accessory dwelling unit may not exceed 1,000 square feet.

(2) "Board" means the board of housing as provided in 2-15-1814.

(3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(4) "Local government unit" has the meaning provided in 2-11-103.

NEW SECTION. **Section 3. Accessory dwelling units -- department duties.** The department, in consultation with the board, shall encourage the construction of accessory dwelling units as a means of providing affordable housing in Montana.

NEW SECTION. **Section 4. Accessory dwelling units -- development and placement by local government units.** (1) Beginning July 1, 2011, the department shall direct local government units to incorporate provisions for the development and placement of accessory dwelling units in their development regulations, zoning regulations, or official controls.

(2) The requirements of this section are subject to limitations as determined by local government units.

NEW SECTION. Section 5. Report to legislature. As part of the duty specified in [section 3], the department shall issue a written report to the legislature by September 15, 2010:

(1) identifying local government units whose development regulations, zoning regulations, or official controls currently allow the siting of accessory dwelling units; and

(2) making recommendations to the legislature encouraging the development and placement of accessory dwelling units within local government units throughout the state.

NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 7, chapter 15, and the provisions of Title 7, chapter 15, apply to [sections 1 through 4].

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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